REMARKS

This is in response to the Final Office Action of February 10, 2009, in which claims 1, 4-7, 26, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gergic et al., U.S. Application Publication No. 2002/0198719 ("Gergic"); claims 8-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of L'Esperance et al., U.S. Application Publication No. 2002/0055844 ("L'Esperance"); and claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of Beutnagel, U.S. Patent No. 6,078,885 ("Beutnagel"). With this response, independent claims 1 and 26 are amended to include the limitations of claim 6, and claim 6 is canceled. Claim 1 is also amended to increase the ease of readability of the recited limitations. Applicants submit that pending claims 1, 4, 5, 7-26, and 30 are presented for reconsideration and allowance.

I. Responses to Rejections under 35 U.S.C. § 102(b)

The Office Action indicated that claims 1, 4-7, 26, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gergic. With respect to independent claim 1, the Office Action stated that, although Gergic does not explicitly disclose the same accessing techniques for both object models, this is inherent in disclosing that each object model is encapsulated within a JavaBean, meaning that the same accessing methods will be available to each object model. The Office Action also stated that, under the broadest reasonable interpretation of claim 1, so long as the art teaches that the object models are accessible using the same set of techniques, then the art will anticipate claim 1. Based on this contention, the Office Action affirmed that the inherency argument was proper.

With this response, claims 1 and 26 are each amended to include the limitations of claim 6, which require that the speech-related members and non-speech related members are designed to be specified and invoked in a consistent way. With respect to claim 6, the Office Action stated that the teachings in Gergic are based on the programming language of Java, and therefore, inherently require that all members of objects be specified and invoked in a well-defined way as determined by the finite number of implementations of Java. Based on this contention, the Office Action stated that the broadest reasonable interpretation of "consistent" merely requires the same set of techniques be available to specify and invokes members of all types.

Applicants respectfully disagree with this contention. As disclosed in the present application, the programming models and associated members exposed by the managed code layer in order to implement speech-related features are consistent with the programming models and members exposed by the managed code layer to non-speech applications to implement non-speech related features (present application, page 2, line 26 to page 3, line 3; page 12, line 26 to page 13, line 6; and page 24, lines 2-10). In particular, the present application states that the programming models and associated members for implementing the speech-related features and the non-speech related features *are designed consistently using the same design principles* (present application, page 12, line 26 to page 13, line 6) (emphasis added). This is beneficial for treating operations in a similar manner across the entire platform (present application, page 13, lines 7-9). Thus, a user is not required to learn two different systems when implementing speech-related features and non-speech related features, which significantly enhances the likelihood that speech-related technologies will gain wider acceptance (present application, page 13, lines 10-21).

In contrast, the service members/objects disclosed in Gergic, which the Office Action contends are non-speech related members, are not designed to be specified and invoked in a consistent way with the speech-related members. Gergic expressly discloses that it is virtually impossible to develop the service objects using the same language as for the dialog objects (i.e., VoiceXML), and that consideration should be given to using some native programming language (Gergic, page 23, paragraphs 0110 and 0111). Thus, Gergic does not disclose or suggest that the speech related members and the non-speech related members are designed to be specified and invoked in a consistent way with the speech-related members. As a result, these limitations of amended claims 1 and 26 are entirely missing from the cited reference. Accordingly, claims 1 and 26 are not anticipated by Gergic, and are allowable. Applicants also submit that claims 4, 5, 7, which depend from claims 1 and 26, are also not anticipated by Gergic, and are separately allowable.

II. Response to Rejections under 35 U.S.C. § 103(a)

The Office Action also indicated that claims 8-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of L'Esperance, and that claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of Beutnagel. As discussed above, Gergic does not disclose that the speech-related members and non-speech related members are designed to be specified and invoked in a consistent way, as recited in claim 1.

L'Esperance and Beutnagel also do not disclose these limitations of claim 1. L'Esperance is merely directed to a speech recognition process for a hand-held device, and Beutnagel is merely directed to a system for revising or adding phonetic transcriptions of words in a phonetic dictionary. Thus, these limitations of claim 1 are entirely missing from the cited references. Accordingly, claim 1, and claims 8-23, which depend from claim 1, are not obvious over Gergic in view of L'Esperance, and are allowable. Furthermore, claim 1, and claims 24 and 25, which depend from claim 1, are not obvious over Gergic in view of Beutnagel, and are allowable.

CONCLUSION

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which Applicants' attorney chooses to mention at this time. For the foregoing reasons, Applicants reserve the right to submit additional evidence showing the distinction between Applicants' invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

It is submitted that independent claims 1 and 26 are in form for allowance. Accordingly, it also submitted that dependent claims 4, 5, 7-25, and 30 are in form for allowance as well due to their dependent nature. Reconsideration and allowance of claims 1, 4, 5, 7-26, and 30 are respectfully submitted.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Brian R. Morrison/
Brian R. Morrison, Reg. No. 58,455
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312